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Summary record of the second part (public)* of the 2625th meeting
Held at Headquarters, New York, on Thursday, 2 April 2009, at 5.45 p.m.

Chairperson: Mr. Iwasawa

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* The summary record (partial) of the first part (closed) of the meeting appears as document CCPR/C/SR.2625.

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The public part of the meeting was called to order at 5.45 p.m.

Organizational and other matters (*continued*)

Working methods (continued)

1. **The Chairperson** invited the Committee to continue its consideration of the proposal not to require an oral summary from a delegation that had provided written replies to the list of issues, and of the possibility of setting a deadline for the receipt of written replies well in advance of its sessions.

2. **Mr. Amor** said that a deadline already existed: the Secretariat was obliged to translate written replies received by a date three weeks before the session. When States had submitted written replies, the head of delegation should be encouraged to give a short summary of the main points they contained.

3. **Ms. Prouvez** (Secretary of the Committee) said that in fact the practice of the Secretariat was to request replies from States parties much further in advance than three weeks before the session, since that was insufficient time to ensure that translations could be completed. The list of issues was sent to the State party as soon as it was adopted, with a clear indication that written replies should be provided well in advance of the session. For example, the deadline set for the present session had been 12 January.

4. **Sir Nigel Rodley** said that the Committee needed to make it possible for States to respect the deadline for submitting written replies, and to have them in all languages in order to facilitate discussion. Once a list of issues was adopted at one session, the State had very little time to prepare replies and submit them in time for the following session. The Committee should decide to make its de facto practice of adopting a list of issues two sessions ahead a de jure practice, as it was for other Committees.

5. **Mr. O'Flaherty** agreed that there was no reason not to adopt as a procedure what was already being done in practice. With regard to the structure of the dialogue with State parties, he said that it was his impression that they had reached agreement the previous day. Bearing in mind the need to be flexible, delegations that submitted written replies should be encouraged to give only a brief oral introductory statement to flag key issues.

6. **Mr. Amor** agreed, but said that States should not be penalized for not providing written replies, since there was no obligation to do so. However, written replies should be encouraged.

7. **The Chairperson** said that he took it that the Committee wished to encourage States parties that had submitted written replies to give only a short oral introduction outlining the key points.

8. *It was so decided.*

9. **The Chairperson** said that he took it that the Committee also agreed that lists of issues would be adopted two sessions in advance of the consideration of the corresponding reports submitted by States parties under article 40 of the Covenant.

10. *It was so decided.*

11. **The Chairperson** invited the Committee to discuss the proposal to consider reports submitted by States parties over the course of two days, rather than in the morning and afternoon of a single day.

12. **Mr. O'Flaherty** said that it would make sense to ask the Secretariat to schedule meetings in that manner to the extent possible. However, it should not be a strict rule.

13. **Mr. Fathalla** and **Mr. Amor** agreed.

14. **The Chairperson** said that he took it that the Committee wished to ask the Secretariat to avoid to the extent possible scheduling two meetings for the consideration of a report submitted by a State party under article 40 of the Covenant on the same day.

15. *It was so decided.*

16. **The Chairperson** invited the Committee to consider the issue of sending reminders to States parties that were late in submitting their periodic reports.

17. **Sir Nigel Rodley** said that rather than the current practice of the Special Rapporteurs sending periodic reminders to States that were overdue, the Committee as a whole, through the Chairperson, should send them. However, for States parties that were substantially overdue, perhaps the Committee could consider sending specially worded reminders reminding the State of the Committee's procedure to hold reviews without a report.

18. **The Chairperson** said that there were two separate issues, the sending of ordinary reminders and the sending of reminders to States that were a specific period overdue in sending their initial reports.

19. **Mr. Thelin** said that he would be in favour of sending reminders after only a short period. Five years was excessively overdue for initial reports. Therefore, he would be in favour of sending separate reminders after five years.

20. **Mr. Amor** said that the list of States that were overdue in submitting their reports was included in the Committee's report to the General Assembly. Perhaps in its next report, the Committee could simply include a paragraph reminding States of their obligations. A delay of five years was long enough to wait. States overdue by that much should systematically be sent reminders informing them that the Committee would proceed with its review without a report.

21. **Sir Nigel Rodley** said that one year after a periodic report was due, it was inappropriate for the Special Rapporteur for follow-up on concluding observations to contact a State to ask for limited information on just the four paragraphs singled out in those observations, since a new report was already due and the reminder might encourage States simply to respond to those issues, undermining their obligation to submit the new report on time. Therefore, he urged the Committee to decide to enable the Chairperson to send a reminder to States whose periodic reports were overdue.

22. **Mr. O'Flaherty** recalled that the Committee had already decided about sending reminders for initial reports. The question at hand related to periodic reports. The vast majority of States parties submitted their periodic reports late, to varying degrees. However, the Committee should take into account the fact that if all States parties submitted their reports on time, the Committee would probably be unable to cope with the workload. In all the human rights treaty bodies, there had been some consideration of issuing systematic staggered reminders, taking account of the degree of lateness and other criteria. In adopting its own procedure, the Human Rights Committee should take account of the experience of the other Committees and harmonize with their procedures as far as possible.

23. **Ms. Wedgwood**, referring to Sir Nigel Rodley's proposal, said that it had been her understanding that when the Chairperson sent a letter to remind States that a new report was due, it would also note that the four questions singled out in the previous concluding observations were still unanswered.

24. **Ms. Prouvez** (Secretary of the Committee) said that all treaty bodies had in the past sent reminders regularly, but the practice had been discontinued in recent years because they did not elicit much response. At least one body, the Committee Against Torture, had since decided to ask for reminders to be sent again. Therefore, there was some scope for discussion of potential harmonization at the inter-committee meeting of human rights treaty bodies.

25. **The Chairperson** said that further discussion of the matter would be needed at the following session.

The meeting rose at 6 p.m.